

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 08-6875

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STUART WAYNE TOMPKINS,

Plaintiff - Appellant,

v.

DEPARTMENT OF CORRECTIONS; T. R. CARROLL; CHRIS BATTEN; OFFICER STEWART; SERGEANT DIGGS; LIEUTENANT CRUMPLER; CAPTAIN THOMPSON; DAVID MITCHELL; SUSAN BELL; JOHN DOE, Mailroom; JANE DOE, Mailroom; JOHN GARLAND; VICTORIA SELLERS; KEVIN B. BENFIELD; EDWARD K. OSTEEN; JOHN DOE, Correctional Officer; DAVID STAMEY; STEPHEN E. DUNN; JOHNNY W. TAYLOR, III; CARLA O'KONEK-SMITH; HATTIE B. PIMPOG; THEODIS BECK; BOYD BENNETT; SERGEANT HERRING; LIEUTENANT VINSON; LIEUTENANT WEBSTER,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:07-ct-03152-H)

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Submitted: September 16, 2008

Decided: September 23, 2008

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Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Stuart Wayne Tompkins, Appellant Pro Se. Lisa Yvette Harper, Assistant Attorney General, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Stuart Wayne Tompkins seeks to appeal the district court's\* March 17, 2008, order denying relief on some but not all of the claims raised in his 42 U.S.C. § 1983 (2000) complaint and the court's June 4, 2008, order denying several motions filed by Tompkins. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The orders Tompkins seeks to appeal are neither final orders nor appealable interlocutory or collateral orders. Accordingly, we dismiss the appeal for lack of jurisdiction. Tompkins' motion for appointment of counsel is denied. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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\*Tompkins filed this action in the Eastern District of North Carolina. After the district court issued the orders that are the subject of this appeal, the case was transferred to the Western District of North Carolina where it is still pending.